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19 COMPANIES, AND THE JOHNSON &  
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7 DARRYL S. MAHONEY

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13 **UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA**

15 DARRYL S. MAHONEY,

16 Plaintiff,

17 v.  
18 **JOINT STIPULATION OF DISMISSAL**  
19 **[FED. R. CIV.P.41(a)(1)(ii)]**

20 JOHNSON & JOHNSON, a New Jersey  
21 Corporation; THE LONG-TERM  
22 DISABILITY INCOME PLAN FOR  
23 JOHNSON & JOHNSON & AFFILIATED  
24 COMPANIES; and the JOHNSON &  
25 JOHNSON PENSION COMMITTEE,

26 Defendants.

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28 **STIPULATION FOR DISMISSAL**

29 WHEREAS, the parties agreed to settle the above-stated action through Court-  
30 sponsored private mediation on October 6, 2005, before the impartial mediator Judge Edward  
31 Infante;

32 WHEREAS, as part of the settlement, Plaintiff agreed to dismiss her individual  
33 claims against Defendants with prejudice;

1           WHEREAS, the First Amended Complaint in this matter pleads a proposed class  
2 action;

3           WHEREAS, the parties have settled this case without compromising the rights of  
4 the unnamed putative class members;

5           WHEREAS, the parties believe that Federal Rule of Civil Procedure 23(e), and the  
6 Advisory Committee Note to the December 2003 revision to that rule, direct that settlement of a  
7 putative class action prior to certification of a class does not require Court approval; and

8           WHEREAS, if the Court were to so order, the parties will submit their settlement  
9 for review by the Court, but, in such event, the parties request that they first be allowed to make  
10 submissions to the Court as to whether such review should be *in camera* or otherwise;

11           NOW THEREFORE, the parties stipulate to the following:

12           1. Plaintiff's individual claims shall be dismissed with prejudice pursuant to  
13 Federal Rule of Civil Procedure 41(a)(1)(ii); and

14           2. The claims of any unnamed putative class members shall be dismissed  
15 without prejudice.

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1           3. Each party shall bear its own costs and attorney's fees.  
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3           Dated: November 7, 2005.

4           O'MELVENY & MYERS LLP  
5           CHRIS A. HOLLINGER  
6           KAREN M. WAHLE  
7           LARRY B. GARRETT

8           By: \_\_\_\_\_/s/  
9           Chris A. Hollinger  
10           Attorneys for Defendants

11           Dated: November 7, 2005.

12           LAW OFFICES OF GEOFFREY V. WHITE  
13           GEOFFREY V. WHITE

14           LEWIS, FEINBERG, RENAKER & JACKSON  
15           TERESA S. RENAKER

16           By: \_\_\_\_\_/s/<sup>1</sup>  
17           Geoffrey V. White  
18           Attorneys for Plaintiff

19           SF1:607226.1



20           Dated: 11/08/05  
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<sup>1</sup> Counsel e-filing this Stipulation represents that he has been authorized by Plaintiff's counsel to e-file on both parties' behalf.